

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SHERRI L. DAVIS; et al.

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2:06-CV-187-WKW

TMA FOREST PRODUCTS GROUP; et al.

DEFENDANTS

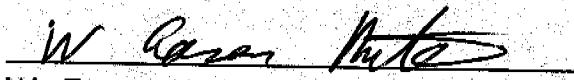
AFFIDAVIT FOR DEFAULT

W. Eason Mitchell, after first being duly sworn, deposes and says that he is the counsel for the Plaintiff in the above entitled and numbered action.

That according to the records of the Circuit Court of Covington County, Alabama, in Civil Action No. CV2006-0019, the Defendant D & D Lumber Company, Inc., was on February 8, 2006, duly served with summons and a copy of the complaint on Paul S. Allersmeyer, Director, Vice-President and Treasurer of D & D Lumber Company, Inc., and John S. Hoenigmann, an incorporator of D & D Lumber Company, Inc., said Defendant within 30 days after service of the summons and complaint upon them were required to serve and file an answer, responsive pleading, or motion; that said Defendant has not served or filed

any answer, responsive pleading, or motion which would toll the time for filing an answer herein; that, therefore, said Defendant is now in default; that to the best of Affiant's knowledge and belief said Defendant is not an infant or incompetent person or in the Military service within the purview of the Soldier's and Sailor's Civil Relief Act of 1940, as amended.

That this affidavit is made in compliance with Rule 55(A) of the Federal Rules of Civil Procedure, for the purpose of requesting this Court at this time to enter a default judgment against said Defendant.


W. Eason Mitchell
Attorney for Plaintiff

Sworn to and subscribed before me this the 9th day of May, 2006.


NOTARY PUBLIC

My Commission Expires:
9-25-2009



49086.wpd